

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

JOHNATHAN DECKER,

Plaintiff,

v.

FLAGSTAR BANK, INC.,

Defendant.

Case No. 1:20-cv-00271

NOTICE OF REMOVAL

Defendant, Flagstar Bank, Inc. (“Flagstar”), notices the removal of this action under 28 U.S.C. §§ 1331, 1441, and 1446 to the U.S. District Court for the Northern District of Indiana, and, as grounds therefore, states:

I. Removal is timely.

1. On or about June 30, 2020, Plaintiff, Johnathan Decker (“Decker”), filed a civil action against Flagstar in the Allen Superior Court 9, Cause No. 02D09-2006-PL-000252. Copies of the summons, appearances, complaint, and court orders are attached as Exhibit A, as required under 28 U.S.C. § 1446(a). These are the only process, pleadings, and orders that Flagstar has received in this matter.

2. On July 6, 2020, Flagstar received a copy of Decker’s summons and complaint via certified mail.

3. Flagstar is timely filing this notice of removal within 30 days after service of process, as required by 28 U.S.C. § 1446(b).

II. Venue is proper.

4. The Allen Superior Court 9 is located within the Fort Wayne Division of the Northern District of Indiana. 28 U.S.C. § 94(a)(1). Venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

III. Federal-question jurisdiction exists.

5. This action is properly removable under 28 U.S.C. § 1441(b), because the U.S. District Court has original jurisdiction under 28 U.S.C. § 1331, which provides, “The district courts shall have original jurisdiction of all civil actions arising under the Constitution, the laws, or treaties of the United States.”

6. Decker’s complaint alleges Flagstar violated a federal statute, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* (“Title VII”) (*See Plaintiff’s Complaint, ¶ 1.*)

7. By asserting claims under Title VII, Decker’s complaint asserts a federal question under 28 U.S.C. § 1331. Thus, this case is properly removable under 28 U.S.C. § 1441(a).

IV. Conclusion

8. Under 28 U.S.C. § 1446, copies of this notice of removal will be promptly served on Decker’s counsel and filed with the Clerk of the Allen Superior Court 9. A copy of Flagstar’s notice of filing to the Allen Superior Court 9 is attached as Exhibit B.

9. By removing this matter, Flagstar does not waive or intend to waive any defense, including, but not limited to, its right to arbitrate Decker’s claims.

WHEREFORE, Defendant, Flagstar Bank, Inc., respectfully requests this Court to take jurisdiction of this action and issue all necessary orders and process to remove it from the Allen Superior Court 9 to the U.S. District Court for the Northern District of Indiana.

Respectfully submitted,

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

s/ Bonnie L. Martin

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CERTIFICATE OF SERVICE

I certify that on July 28, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be served on the below counsel of record by U.S. first-class mail, postage prepaid:

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